

IN THE SUPREME COURT OF THE STATE OF DELAWARE

TYRELL H. OLIVER,	§
	§ No. 617, 2011
Defendant Below-	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware, in and
	§ for Sussex County
STATE OF DELAWARE,	§ Cr. ID No. 89S00742DI
	§
Plaintiff Below-	§
Appellee.	§

Submitted: November 28, 2011

Decided: December 2, 2011

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

ORDER

This 2nd day of December 2011, it appears to the Court that:

(1) On November 14, 2011, the Court received the appellant's notice of appeal from the Superior Court's order, dated September 12, 2011 and docketed on September 13, 2011, which denied the appellant's request for relief from the requirements of the sex offender registration statute. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the Superior Court's order should have been filed on or before October 13, 2011.

(2) On November 15, 2011, the Clerk issued a notice pursuant to Rule 29(b) directing the appellant to show cause why the appeal should not

be dismissed as untimely filed. The appellant filed a response to the notice to show cause on November 28, 2011. The appellant states that he is representing himself and was not aware of the deadline for the timely filing of a notice of appeal.

(3) Pursuant to Rule 6(a)(iii), a notice of appeal must be filed within 30 days after entry upon the docket of the judgment or order being appealed. Time is a jurisdictional requirement.¹ A notice of appeal must be received by the Clerk of the Court within the applicable time period in order to be effective.² An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Rule 6.³ Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal may not be considered.⁴

(4) There is nothing in the record before reflecting that the appellant's failure to file a timely notice of appeal in this case is attributable to court-related personnel. Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. Thus, the Court concludes that this appeal must be dismissed.

¹ *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

² Supr. Ct. R. 10(a).

³ *Carr v. State*, 554 A.2d at 779.

⁴ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice